REMARKS

Claims 1-21 are currently pending in the above-identified patent application. Claims 1, 8, and 15 have been amended to limit these claims to communication between the controller and a component of component-specific commands without translation. No new matter has been added, since support therefor may be found on page 5, lines 16-21, of the subject Specification, as originally filed, wherein it is stated that: "The commands 102 and data 104 are prepared in an offline mode into a script file 108. The script file 108 may be transmitted to the controller 110. The controller 110 may interpret the script file 108 and cause the device 112 to be updated or whatever action is intended. By using an offline script generation mechanism, the controller 110 does not need to have the intelligence to communicate with the device 112 on a low level. The controller only needs enough intelligence to read and execute the script file 108."

The Examiner rejected claims 1-21 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out the distinctly claim and subject matter which applicant regards as the invention, since the Examiner stated that with regard to claims 1, 8, and 15, it is unclear whether an action data needs to be included in the action payloads, since the claim seems to include necessitating providing action data as part of the communication sequence, but then later includes limitations stating that none of this data needs to be included or transmitted (zero or more). Applicants respectfully disagree with the Examiner's interpretation of the claims language. Turning to claim 1, as an example, it is recited that: "… providing said communication sequence that is <u>a specific set of actions and action data</u>; for each of said actions, creating an action header and one or more component specific commands, <u>and creating an action payload comprising zero or more of said action data</u>; … ." (Emphasis added by applicants.). Applicants believe that this is a clear recitation of a communication sequence that may or may not include data. In fact, this interpretation finds support in page 4, lines 20-22 of the subject Specification, as originally filed. Therein, it is stated that "A set of commands 102, <u>some of which have data 104 associated therewith</u> are converted into a script file 108 that comprises a header and several actions." (Emphasis added

by applicants.).

Claims 2-7, 9-14, and 16-21 were rejected for incorporating the same indefinite subject matter of the independent claims from which they depend. Since applicants believe that the rejection of claims 1, 8, and 15 under 35 U.S.C. 112, second paragraph, is improper, applicants believe that no further response to the rejection of the claims depending therefrom is required.

Claims 1, 2, 4-6, 8, 9, 11-13, 15, 16, and 18-20 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2003/0217358 to Thurston et al., since the Examiner stated that with regard to claims 1, 8, and 15, Thurston teaches packaging a communication sequence into a script by a method comprising (Paragraph 29), providing said communication sequence that is a specific set of actions and action data (Paragraphs 34-39); for each of said actions, creating an action header comprising an action code and one or more component specific commands (Paragraphs 40-43), and creating an action payload comprising zero or more of said action data; transmitting said script to said controller (Paragraphs 34-39); and communicating to said component of said system by running said script by said controller by a method comprising: providing said script to said controller (paragraphs 35-39); and for each of said action headers, executing a command corresponding to said action code (Paragraphs 35-39 and 19-52), transmitting said one or more component specific commands directly to said component (Paragraphs 35-39 and 19-52), and transmitting said zero or more of said action data from said action payload to said component (Paragraphs 35-39 and 19-52).

The Examiner continued that with regard to claims 2, 9, and 16, Thurston teaches said packaging of said communication is performed by a first computer system that is separate from said system controlled by said controller (Paragraphs 27-29); with regard to claims 4, 11, and 18, Thurston teaches said method of packing said communication sequence further comprises: creating a header for said script (Paragraphs 40-43), said header comprising an identifier describing the specific component for which said script is intended (Paragraphs 40-43); and said method of communicating to said component of said system by running said script

by said controller further comprises, determining a descriptor of said component (Paragraphs 40-43), comparing said descriptor of said component to said identifier contained within said header of said script (Paragraphs 40-43); with regard to claims 5, 12, and 19, Thurston teaches said method of packing said communication sequence further comprises: creating a header for said script (Paragraphs 40-44), said header comprising a compatibility list comprising one or more applicable revisions of firmware on said specific component for which said script is applicable (Paragraphs 44-47); and said method of communicating to said component of said system by running said script by said controller further comprises: determining a current firmware revision of said component; comparing said current firmware revision to said compatibility list contained within said header of said script (Paragraphs 44-47); and with regard to claims 6, 13, and 20, Thurston teaches said component is a hard disk drive (Paragraph 27).

Applicants respectfully disagree with the Examiner concerning the rejection of claims 1, 2, 4-6, 8, 9, 11-13, 15, 16, and 18-20 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2003/0217358 to Thurston et al., for the reasons to be set forth hereinbelow .

Claims 3, 10, and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0217358 to Thurston et al. in further view of U.S. Patent 6,789,157 to Lilja et al. since the Examiner stated that with regard to claims 3, 10, and 17, Thurston et al. teaches said method of packing said communication sequence further comprises: creating a header for said script (Paragraphs 40-43), said header comprising a checksum (Paragraph 42); and said method of communicating to said component further comprises: reading said header of said script (Paragraph 53), computing a computed checksum of said script (Paragraph 53), comparing said computed checksum to said checksum contained within said header of said script (Paragraph 53), but Thurston et al. fails to teach a CRC. The Examiner continued that Lilja et al. teaches that using a firmware update with a CRC instead of a checksum, and concluded that it would have been obvious to one of ordinary skill in the art at the time of invention to substitute the use of CRC of Lilja et al. for the checksum of Thurston et al. in order

to more completely check whether the firmware has been corrupted during transmission.

Applicants respectfully disagree with the Examiner concerning the rejection of claims 3, 10, and 17 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0217358 to Thurston et al. in further view of U.S. Patent 6,789,157 to Lilja et al., for the reasons to be set forth hereinbelow.

Claims 7, 14, and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0217358 to Thurston et al. in further view of U.S. Patent Application Publication 2002/0166027 to Shirasawa et al., since the Examiner stated that with regard to claims 7, 14, and 21, Thurston et al. fails to teach the firmware update script package being used to update a RAID controller, while Shirasawa et al. teaches said controller is a RAID controller (Paragraphs 8 and 9). The Examiner concluded that it would have been obvious to one of ordinary skill in the art at the time of invention to use the firmware update script package of Thurston et al. for updating RAID firmware as taught by Shirasawa et al. in order to homogenize the ability of each of the hard disk units to increase process speed and decrease error occurrence.

Applicants respectfully disagree with the Examiner concerning the rejection of claims 7, 14, and 21 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0217358 to Thurston et al. in further view of U.S. Patent Application Publication 2002/0166027 to Shirasawa et al., for the reasons to be set forth hereinbelow.

Reexamination and reconsideration are requested.

Thurston et al., in Paragraph [0026] states: "Described implementations divide firmware updated operations into device-independent and device dependent steps. Implementations provide a device independent application coupled to a plurality of device dependent applications for updating firmware in hardware devices coupled to a computer system. The device independent application is an application that does not perform operations that are dependent on characteristics of the hardware devices coupled to the computer system. The device dependent applications are applications that may contain operations that are dependent on

characteristics of the hardware devices coupled to the computer system." In paragraph [0038] of Thurston et al. it is stated that: "The device dependent plug-in modules **306** are device dependent applications that may contain operations dependent on the characteristics of the hardware device **310, 311**." In Paragraph [0069], Thurston et al. continues that: "The implementations provide a firmware update application for updating firmware on different types of hardware devices. The firmware update application comprises a device independent firmware update utility and a plurality of device dependent plug-in modules. <u>The device independent firmware update utility initiates the update of firmware on a plurality of different types of hardware devices and requests device specific functions from device dependent plug-in modules.</u> A different device dependent plug-in module may be provided for each type of hardware device. Thus the firmware update application separates device independent firmware update functions from device dependent update functions." Paragraph [0073] further provides that: "The implementations also enable an entity, such as an user or an automated program, to manually control the process of firmware update by modifying a list of hardware devices to update, where the list of hardware devices to update is presented to the entity by the firmware update application." Claim 1 of Thurston et al. further recites a device-independent firmware update utility: "A method for installing firmware, the method comprising: receiving a firmware image by a device independent application; <u>and requesting a device dependent application to install the firmware image on at least one hardware device</u>, wherein the at least one hardware device is determined by the device dependent application." Thus, Thurston et al. specifically requires the system controller to request a device dependent application to install a firmware image after receiving a firmware image by a device independent application, and does not directly execute changes to a target device as directed by the incoming script.

By contrast, Subject independent claims, 1, 8 and 15, as amended, in part recite the following: "1. ... <u>communicating to said component of said system by running said script by said controller</u> by a method comprising: ... for each of said action headers, <u>executing a command corresponding to said action code without</u>

translation, transmitting said one or more component specific commands to said component, and transmitting said zero or more of said action data from said action payload to said component." (Emphasis added by applicants). Similar recitations may be found in subject claims 8 and 15. Thus, the independent claims of the present invention require that component specific instructions are provided to a system controller to update a chosen component, as an example, the controller then transmits the one or more component-specific commands **without translation** to the component. The present system controller does not request component specific commands or functions from device dependent plug-in modules which translate the directions from the controller into commands the individual devices can process.

Therefore, applicants respectfully believe that Thurston et al. teaches away from the present claimed invention, and cannot anticipate the present claimed invention.

Turning now to the rejection of dependent claims 3, 7, 10, 14, 17, and 21 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0217358 to Thurston et al. in view of other references, since applicants believe that Thurston et al. teaches away from the present claimed invention and, in particular independent claims 1, 8, and 15, as amended, applicants believe that the Examiner has not made a proper *prima facie* case for obviousness as is required under 35 U.S.C. 103(a), because there would be no motivation to combine Thurston et al. with these references.

In view of the discussion presented hereinabove, applicants believe that subject claims 1-21, as amended, are in condition for allowance, and such action by the Examiner at an early date is earnestly solicited.

Reexamination and reconsideration are respectfully requested.

Respectfully submitted,

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